

DAVID B. MCKINLEY, P.E.
1ST DISTRICT, WEST VIRGINIA

412 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
TEL: (202) 225-4172
FAX: (202) 225-7564
www.mckinley.house.gov

CO-CHAIR,
CONGRESSIONAL ARTHRITIS CAUCUS

CO-CHAIR,
CONGRESSIONAL YOUTH CHALLENGE CAUCUS

CO-CHAIR,
HIGH PERFORMANCE BUILDINGS CAUCUS

Congress of the United States House of Representatives

COMMITTEE ON
ENERGY AND COMMERCE

SUBCOMMITTEE ON
ENERGY AND POWER

SUBCOMMITTEE ON
COMMERCE, MANUFACTURING AND
TRADE

SUBCOMMITTEE ON
ENVIRONMENT AND THE ECONOMY

August 1, 2014

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20536

800

Dear Chairman Wheeler:

Broadband Internet access has become an essential part of the economic and social fabric in many rural communities, as a tool to build businesses, expand opportunities for jobs and education, and connect with friends and relatives. With robust broadband service, even a small town in West Virginia can compete with the rest of the world. Without it, these small town communities risk being left behind in today's technology-centric economy.

Phase II of the Connect America Fund ("CAF II") offers a tremendous opportunity to bring faster, fiber-fed broadband connections to thousands of West Virginia in rural areas who wouldn't otherwise have it. Thanks to the Commission's well-publicized efforts, thousands of rural communities are now counting on CAF II. As CAF II represents the final phase of Universal Service reform, its rules will effectively determine, for years to come, whether millions of rural residents will have a broadband connection or not. The June 10 Notice of Proposed Rulemaking has raised hopes further by more than doubling the promised download speeds from the 2011 USF/ICC Transformation Order, from 4 megabytes per second (MBPS) to 10 megabytes per second.

The final details of CAF II must live up to its promise. I am concerned that if the Commission more than doubles the speed requirements without allowing the appropriate level of flexibility in other elements of CAF II, the program's overall mission could be endangered. To the Commission's credit, the June 10th notice identifies a number of constructive ideas that could help achieve the speedier network goals without exceeding the budget:

- CAF II funding period must be extended from the current 5 years to 10 years to allow adequate time for the construction of the higher-capacity network;

- The Commission must use the same 10 Mbps standard when identifying broadband availability from competitors, or else communities with just 4 Mbps will be left behind;
- Establish network build-out parameters consistent with the goal of providing quality broadband service to as many people as possible within CAF's limited funding framework; and
- Providers must be given the flexibility to substitute extremely high-cost locations with unserved locations in partially served census blocks.

When targeting support to areas where broadband would not otherwise be available, I encourage you to be as precise as possible. In the "interim" CAF I phases, an entire census block could be disqualified if a competitive carrier claimed to serve even a small fraction of its customers. Many areas were disqualified based on the untested assertions of wireless ISPs with line of sight and capacity issues that made them a poor substitute for fiber-fed networks. Now that we are in the final phase, I hope the CAF II standards can reach those unserved customers, and also require competitive carriers to meet a reasonable standard of verification before depriving a community of CAF II support.

Despite years of federal efforts to overcome the digital divide, our office often hears from constituents seeking assistance to bring broadband service to their homes. The concerns they raise are a reminder of how challenging rural broadband policy can be, but also how important it is. Thank you for considering my concerns, and I look forward to working with you.

Sincerely,



David B. McKinley, PE
Member of Congress



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

August 28, 2014

The Honorable David McKinley
U.S. House of Representatives
412 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman McKinley:

Thank you for your letter regarding the implementation of certain aspects of Phase II of the Connect America Fund (CAF II). In your letter, you express concerns that the overall mission of the CAF II program could be endangered if the Commission increases the current broadband speed benchmark for program recipients to 10 Mbps downstream /1 Mbps upstream without allowing flexibility in other elements of the program, and suggest several proposals to provide such flexibility. Your views are very important and will be included in the record of the proceeding and considered as part of the Commission's review.

I agree with you that high-speed broadband access is an essential component for economic growth in rural communities. The universal service program is one of the most important tools at our disposal to ensure that consumers and businesses in rural America have the same opportunities as their urban and suburban counterparts to be active participants in the United States of the 21st century. We are focused on updating the universal service high-cost program to ensure that we are delivering the best possible voice and broadband experiences to rural America within the confines of our Connect America budget, while providing increased certainty and predictability for all carriers and a climate for increased broadband expansion.

In April, the Commission voted to move forward with Phase II of the Connect America Fund for price-cap carriers. Among other things, the *Connect America Fund Phase II Report & Order* sets a term of 10 years for support awarded through the competitive bidding process to stimulate greater interest from participants and ensure that funding is targeted efficiently to expand broadband-capable infrastructure throughout the country. In addition, in the associated *Further Notice of Proposed Rulemaking (FNPRM)*, the Commission sought comment on a number of the issues you raise, including revising the current broadband performance obligations to require minimum speeds of 10 Mbps downstream, and applying the same performance obligations to all recipients of Phase II support and to rate-of-return carriers. The *FNPRM* also seeks comment on a proposal to allow recipients more flexibility as to other components of the program, such as the ability to substitute locations in partially-served census blocks for locations in the unserved census block for which it received support.

We expect a robust record on these topics and I welcome a dialogue with stakeholders as to how best to accomplish our shared objectives. I look forward to working with you as we continue reforming and modernizing the universal service fund high-cost program – as well as

Page 2—The Honorable David McKinley

other components of the Fund – to ensure that all Americans have access to robust voice and broadband services.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Wheeler", with a stylized, cursive script.

Tom Wheeler